

**In Madison County Applicants must**

- (a) show proof of a firearm safety course, or military background.**
- (b) Submit to fingerprinting at the Madison County Sheriff Office**
- (c) Have a background check, and be clear of any crime that is punishable in excess of a year of imprisonment.**
- (d) Fill out an application and return to MCSO**

**Laws regarding the Concealed Weapons Permit:**

**45-8-315. *Definition.*** “Concealed weapon” means any weapon mentioned in 45-8-316 through 45-8-318 and 45-8-321 through 45-8-328 that is wholly or partially covered by the clothing or wearing apparel of the person carrying or bearing the weapon, except that for purposes of 45-8-321 through 45-8-328, concealed weapon means a handgun or a knife with a blade 4 or more inches in length that is wholly or partially covered by the clothing or wearing apparel of the person carrying or bearing the weapon.

**45-8-316. *Carrying concealed weapons.*** (1) Every person who carries or bears concealed upon his person a dirk, dagger, pistol, revolver, slingshot, sword cane, billy, knuckles made of any metal or hard substance, knife have a blade 4 inches long or longer, razor, not including a safety razor, or other deadly weapon shall be punished by a fine not exceeding \$500.00 or imprisonment in the county jail for a period not exceeding 6 months, or both.

(2) A person who has previously been convicted of an offense, committed on a different occasion than the offense under this section, In this state or any other jurisdiction for which a sentence to a term of imprisonment in excess of 1 year could have been imposed and who carries or bears concealed upon his person any of the weapons described in subsection (1) shall be punished by a fine not exceeding \$1,000.00 or imprisoned in the state prison for a period not exceeding five years, or both.

**45-8-317. *Exceptions.*** (1) Section 45-8-316 does not apply to:

- (a) any peace officer of the state of Montana;
- (b) any officer of the United States government authorized to carry a concealed weapon;
- (c) a person in actual service as a national guardsman;
- (d) a person summoned to the aid of any of the persons named in subsections (1)(a) through (1)(c);
- (e) a civil officer or the officer’s deputy engaged in the discharge of official business;
- (f) a probation and parole officer authorized to carry a firearm under 46-23-1002;
- (g) a person issued a permit under 45-8-321;
- (h) an agent of the department of justice or a criminal investigator in a county attorney’s office;

- (i) a person who is outside the official boundaries of a city or town or the confines of a logging, lumbering, mining, or railroad camp or who is lawfully engaged in hunting, fishing, trapping, camping, hiking, backpacking, farming, ranching, or other outdoor activity in which weapons are often carried for recreation or protection; or
  - (j) the carrying of arms on one's own premises or at one's home or place of business.
- (2) except with regard to a person issued a permit under 45-8-321, the provisions of 45-8-328 do not apply to this section.

**45-8-323. Denial of renewal—revocation of permit.** A permit to carry a concealed weapon may be revoked or its renewal denied by the Sheriff of the county in which the permittee resides if circumstances arise that would require the sheriff to refuse to grant the permittee an original license.

**45-8-324. Appeal.** The denial or revocation of a permit to carry a concealed weapon or refusal of a renewal is subject to appeal to the district court, which may consider and determine facts as well as law and which is not bound by any factual, legal, or other determination of the sheriff, and from that court to the Montana Supreme Court. To the extent applicable, title 25, chapter 33, governs the appeal.

**45-8-325. Permittee change of county of residence—notification to sheriff's and chief of police.** A person with a permit to carry a concealed weapon who changes his county of residence shall within 10 days of the change inform the sheriff's of both the old and new counties of residence of his change of residence and that he holds the permit. If his residence changes either from or to a city or town with a police force, he shall also inform the chief of police in each of those cities or towns that has a police force.

**45-8-326. Immunity from liability.** A sheriff, employee of a sheriff's office, or county is not liable for damages in a civil action by a person or entity claiming death, personal injury, or a property damage arising from alleged wrongful or improper grant of, renewal of, or failure to revoke a permit to carry a concealed weapon, except for actions that constitute willful misconduct or gross negligence.

**45-8-327. Carrying a concealed weapon while under the influence.** A person commits the offense of carrying a concealed weapon while under the influence if he purposely or knowingly carries a concealed weapon while under the influence of an intoxicating substance. It is not a defense that the person had a valid permit to carry a concealed weapon. A person convicted of the offense shall be imprisoned in the county jail for a term not to exceed 6 months or fined an amount not to exceed \$500.00, or both.

**45-8-328. Carrying concealed weapon in a prohibited place.** (1) A person commits the offense of carrying a concealed weapon in a prohibited place if he purposely or knowingly carries a concealed weapon in:

- (a) A building owned or leased by the federal, state, or local government;

- (b) A bank, credit union, savings and loan institution, or similar institution; or
- (c) a room in which alcoholic beverages are sold, dispensed, and consumed under a license issued under Title 16 for the sale of alcoholic beverages for consumption on the premises.

(2) It is not a defense that the person had a valid permit to carry a concealed weapon. A person convicted of the offense shall be imprisoned in the county jail for a term not to exceed 6 months or fined an amount not to exceed \$500.00, or both.

**45-8-329. *Concealed Weapon Permit Reciprocity agreements—advisory council.***

- (1) The governor may negotiate concealed weapon permit reciprocity agreements with other states that have concealed weapon permit laws similar to those of Montana.
- (2) The governor shall establish a council, composed of interested persons, including law enforcement personnel and gun owners, to advise the governor on and pursue reciprocity issues and agreements.

**45-8-330. *(Temporary) Exemption of concealed weapon permittee from federal handgun purchase background check and waiting period.*** A person possessing a concealed weapon permit is:

- (1) considered to have a permit constituting completion of the background check required by 18 U.S.C. 921 through 925 A; and
- (2) exempt from the act's 5-day waiting period for the purchase of a handgun. (subsection (1) and (2) terminate on the elimination of federal statutory or case law requirements.)

History